

REMARKS / ARGUMENTS

This paper is submitted with a Request for Continued Examination (RCE) in compliance with 37 C.F.R. 1.114, and a one-month extension of time under 37 C.F.R.1.136(a).

Claims 1-57 remain in this application. Claims 2,11, 26, 30, 35, 43, 50 and 51 have been cancelled. Claims 1, 6, 10, 15, 22, 27, 29, 31, 32, 34, 41, 44, 46, 48-49 have been amended. The Examiner indicated Claims 19-21, 24 and 25 are allowed. The Examiner indicated Claims 1-5, 7-14, 16-19 and 26-57 are rejected. Claims 58-61 are new. No new matter is introduced.

Claim Rejections - 35 USC § 112

The Office Action rejected Claims 22-23, 27-28 as indefinite for failing to particularly point out and distinctly claim the subject matter, which the Applicant regards as the invention. Claim 22 was amended to remove the phrase “the same” and to include the limitation of a first power tool for use in both the manipulating and securing steps. Claim 23 is supported by paragraphs [0023-0024] and element 14 of Figure 1. Claim 23 further limits allowed Claim 19. Claim 27 was amended to particularly point out the adapter shape. Claim 28 depends from amended Claim 27. The Applicant requests that The Examiner reconsider and withdraw the rejection of present Claims 22-23 and 27-18 in light of the above amendments.

Claim Rejections - 35 USC § 102

The Office Action rejected Claims 1-5, 7-14, and 16-18 as being anticipated by United States Patent Number 5,454,551 by Hobday (“Hobday”). Independent Claims 1 and 10 of the present invention each recite a ‘recess’ in the first jaw for accepting a first portion of the fastener. The recess faces the second jaw. Recesses (59) and (159) are supported by The Applicant’s

specification in paragraphs [0026, 0032, 0036 and 0040] and Figures 2 and 5. Hobday does not disclose, teach or suggest a 'recess', but does disclose, teach or suggest 'protective pads' (38) [Column 4 Lines 1-7] and (138) [Column 4 Lines 60-61]. The protective pads (38) and (138) are external features, while The Applicant's recesses (59) and (159) are internal features. The 'recess' also functions differently than the pads, as the recess frees up one of the operator's hands by holding a first portion of the fastener. Hobday does not disclose, teach or suggest each of The Applicant's present claim limitations. The Applicant requests that The Examiner reconsider and withdraw the rejection.

The Office Action rejected Claims 1-5, 7-8, 10-14, 16-17 and 26-57 as being anticipated by United States Patent Number 6,438,854 by Kott Jr. ("Kott"). As discussed above, independent Claims 1 and 10 of the present invention each recite a 'recess' in the first jaw for accepting a first portion of the fastener. The recess faces the second jaw. Kott does not disclose, teach or suggest a recess for accepting a portion of a fastener, where the recess faces the second jaw. Further, Independent Claim 34 of The Applicant's present invention recites a recess that faces the second jaw. Still Further, Independent Claim 46 of The Applicant's present invention recites an actuator (255) operable by a tool. The tool-operated actuator (255) is supported by The Applicant's specification in paragraphs [0046] and in Figure 5. Kott does not disclose, teach or suggest an actuator that is operable by a tool. The actuator of Kott is hand-operated only. Kott does not disclose, teach or suggest each of The Applicant's claim limitations. The Applicant requests that The Examiner reconsider and withdraw the rejection.

The Office Action rejected Claims 1-5, 7-8, 10-14, 16-17, and 26-57 as being anticipated by United States Patent Number 6,658,711 by Benson ("Benson"). As discussed above, independent claims 1, 10, 34 of The Applicant's present invention each recite a 'recess' in the first jaw for accepting a first portion of the fastener. The recess faces the second jaw. Further, Independent Claim 46 of The Applicant's present invention recites an actuator (255) operable by a tool. Benson does not disclose, teach or suggest each of The Applicant's claim limitations and The Applicant requests that The Examiner reconsider and withdraw the rejection.

Claim Objections

The Office Action objected to claims 6 and 15 as being dependent upon a rejected base claim. Since independent claims 1 and 10 now define inventions that are patentable over the cited references, The Examiner should likewise find these claims allowable. The Applicant requests that The Examiner reconsider and withdraw the rejection.

Newly Added Claims

The Applicant added four (4) new claims numbered 58-61. Newly Added Claims 58-61 are supported in The Applicant's original Figures 2, 4 and 7 and paragraphs [0034] and [0049] for example. The newly added claims define inventions that are patentable over the cited references. Neither of the cited references discloses, teaches or suggests a tool that accepts a first portion of a fastener (a nut) in a recess or a jaw allowing a second portion of a fastener (a bolt) to extend therethrough. The Applicant requests that The Examiner indicate the allowance of the newly added claims.

Allowable Claims

The Examiner indicated Claims 19-21, 24 and 25 are allowed and The Applicant wishes to thank The Examiner for the indication of allowance of these claims.

Conclusion

In light of the foregoing amendments and arguments, The Applicant submits that the claims are now in condition for allowance. The Applicant requests that The Examiner reconsider and withdraw the objections and rejections. The Applicant solicits the allowance at an early date.

The Applicant authorizes the Commissioner to charge the \$120 fee due under 37 CFR 1.17(a)(1), or to credit any overpayments, during prosecution of this Application, to **Deposit Account Number 21-0279**.

Respectfully submitted,



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